

G-Exhibits
from
Declaration Page(s)
of Plaintiff

Claims for Damage or Injury

#1.

Name of Claimant/victim

Anthony Nesbit A0701329

#2.

Address

Holawa Flight Security Facility

99-902 Moanalua Hwy Mod-C Prod I
Aiea, HI 96701

#3.

Phone N/A

#4.

Occupation-(inmate)

#5.

Place of Employment N/A

#6.

Location of Incident/address

HFSF 99-902 Moanalua Hwy
Aiea, HI 96701

#7.

Date of incident/address

2/13/03 HFSF 99-902 Moanalua Hwy Mod-C
Aiea, Hawaii 96701

See next page for Cont.

RECEIVED

FEB 20 2003

DACS - DCO/RISK MANAGEMENT

group exhibits

C

Declaration by cap

8 Description of incident (state in detail all known facts circumstances, identify person and property and who you believe are at fault)

In the middle of February I was Transferred to the Halawa High Security Facility from the HI Medium Security Facility and apparently I had rec enough high points from the Classification Committee & Transferred to HHSF even though I was never a manager, problem or received any serious write-ups and I even demonstrated a willingness to lead a positive, productive life while in prison. My only unfortunate circumstance for receiving a high point Classification was my Arrest Record.

Upon arriving at HHSF I was asked by the Guard if I was in a Gang? and I said no, then I asked the Guard why? he said he wanted to know because there plenty prison gang members here and he did not want to mix me in with the wrong side. It is apparent that HHSF does pursue the Separation of Prison Gangs Members because if they were put together they would kill each other. Try to, so as to ensure the Safety of the Gang members. They are Separated from Opposite Sides.

But the Focus of this Claim will be that HHSF does not Separate Non Member inmates like myself in order to ensure my safety and when I say separate me a Non Member of any Gang I mean separate me of either side of this Prison Gang Environment at present Non Members are housed with either one side or the other of these Warring Factions, there is no place to keep the Non Members of Gangs and as a result we Non Members are thrown together in this Gang Environment placing us in immediate Danger to our Safety and well being. There is a Liability and Fault with the State in providing Safety, over

Gang Members and Not looking out for my Safety Consider this if it is Dangerous to mix Opposite Prison Gang Members then how much more Dangerous is it to place a Non Member on either side of Obviously a Violent situation, Gang Members see Non Members New arrivals arrive as Targets for recruitment and indoctrination and to get Non Members to join the Gang Members use Coercion, intimidation, and psychological manipulation for recruitment purposes.

Now it is tragic that Me and Men like me (Non Members) given the chance could lead a positive productive life in prison, but because of the circumstances we are placed in by HHST we are cut short to achieve our desired goal instead we are expected to run through this Gauntlet of Prison Gang members and how much chance do we have of surviving.

The State of Hawaii is at fault and error in not pursuing the Health and Safety of Non Prison Gang Members placing Me and Men like me in a Precarious and Dangerous Situation

And then on the other hand provide a safe environment for known and admitted Prison Gang Members by actively pursuing and separating Opposites Side to ensure their Safety.

Me as a Non-Member who refuses to join and never wanted to be a part of this in any way is placed in extreme and immediate danger all I want is to lead a positive prison life free from harm or threat and the State does not provide this and the Recruitment of Prison Gang Members continues to grow, what choices do these uneducated men have.

The Fault is with the State of Hawaii (HHST) in not providing a safe Non Member environment and in knowing before hand the Danger Gang Members are, & Separating them and risk to all inmates they are housed with, and failing to provide a safe environment for Non Members of Gangs and placing me in immediate threat and harm to me this end

Defendant Paragraph #11.

(Witnesses to incident/injury/damage or loss
9 HHSF Medical Unit has records of inmates
that have been attacked by Gang Members,
Fatally, This includee Non Members being atta

HHSF Has records and files on Gang
Activities and Identified Members, and knows
the Danger involved, also HHSF policies and proc
concerning the Reputation of Opposite Gang Members

10 Property Damage or loss -
(immediate)

Threat to my Health and Safety

11 Personal injury.

I am not waiting around to get killed before
I file a Claim

immediate - Threat to Health and Safety Daily

12 Amount of Claim

Personal Injury \$10,000.00

Dated 2/18/03

Anthony Nisket 207013

Signature of person filing Claim

HHSF Med-C Div I

99-902 Moanalua Hwy

AIEA, HI 96701

Form (7/91) Rmtc

LINDA LINGLE
GOVERNOR



RUSS K. SAITO
Comptroller

KATHERINE H. THOMASON
Deputy Comptroller

STATE OF HAWAII
DEPARTMENT OF ACCOUNTING
AND GENERAL SERVICES
P.O. BOX 119
HONOLULU, HAWAII 96810-0119

Exhibit G-2

Redacted paragraph 12.

February 20, 2003

Mr. Anthony Nesbit
99-902 Moanalua Road
Aiea, Hawaii 96701

RE: Tort Claim - Incident dated: 2-13-03

Dear Mr. Nesbit:

The Risk Management Office has received your tort claim form for the above.

Due to the nature of the allegations, your letter has been referred to the Department of the Attorney General. All future contact should be to:

Department of the Attorney General
425 Queen Street
Honolulu, Hawaii 96813
Phone: 586-1494

Thank you for your attention and cooperation. If you have any questions, please call me at 586-0550.

Sincerely,

Julie A. Ugalde
Julie A. Ugalde
Risk Management Officer

C: Department of the Attorney General

LINDA LINGLE
GOVERNOR



MARK J. BENNETT
ATTORNEY GENERAL

RICHARD T. BISSEN, JR.
FIRST DEPUTY ATTORNEY GENERAL

STATE OF HAWAII
DEPARTMENT OF THE ATTORNEY GENERAL
Civil Rights Litigation Division
425 Queen Street
Honolulu, Hawaii 96813
(808) 586-1494

*Exhibit G-4
from
Declaration Page 13.*

April 4, 2003

Anthony Nesbit A0701329
HHISF 99-902 Moanalua Road
Aiea, Hawaii 96701

Re: Tort Claim

Dear Mr. Nesbit:

I have reviewed your letter of March 17, 2003 addressed to the Department of the Attorney General together with the tort claim that you submitted on or about February 20, 2003. Unfortunately, you have not submitted a claim for which this department can afford you relief. Questions of classification of inmates as well as the responsibility for their safety rests with the Department of Public Safety. Moreover, even if you had stated a claim, this office could not consider it because you have not exhausted your administrative remedies through the grievance process.

Very truly yours,

A handwritten signature in black ink, appearing to read "John M. Gregor, Jr."
John M. Gregor, Jr.
Deputy Attorney General

cc: J. Ugalde